



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
9 February 2021
Agenda Item 11

Key Decision [~~Yes~~/No]

Ward(s) Affected: All in Worthing

Working in Partnership to reduce Anti Social Behaviour - Extending the Community Protection Powers for Worthing Homes

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 To share a review of the one year pilot of Worthing Homes' use of the delegated power to issue Community Protection Warnings and Notices to their tenants causing anti-social behaviour.
- 1.2 To agree the extension of the delegated authority to issue Community Protection Warnings and Notices to Worthing Homes for a further 12 months.

2. Recommendations

- 2.1 The Joint Strategic Committee is recommended to:
 - Extend the power delegated to Worthing Homes for a further 12 months.
 - To return to this committee in 12 months to report on the impact of the extended delegation.

3. Context

- 3.1 The Anti Social Behaviour, Crime and Policing Act 2014 confers a variety of powers on authorised authorities, to prevent and tackle anti social behaviour. One of the powers provided by the Act is the Community Protection Notice (CPN) which allows the authority to issue a warning, followed by a legal notice, to perpetrators of anti- social behaviour. This power is routinely used by police and local authority officers, to tackle anti social behaviour at the earliest opportunity. Under the 2014 Act, councils may delegate this power to registered social landlords.
- 3.2 In January 2020, this committee agreed to extend this power to our partner, Worthing Homes, a Registered Social Landlord responsible for a large housing stock and several thousand tenants in Worthing. The terms of the agreement were that Adur and Worthing Councils maintained oversight of the process, conducted a review after 6 months and returned after 12 months, to this committee to report on the outcome of the pilot.
- 3.3 The delegation of power was formally ratified at the end of February 2020, however, just a few weeks later, the UK saw the introduction of a national lockdown in response to the Covid-19 pandemic. As a consequence, Worthing Homes officers needed to focus their efforts on supporting their most vulnerable tenants to access food, medication and financial support.
- 3.4 The significant impact of the pandemic has impacted on Worthing Homes' ability to prioritise the low level anti social behaviour or nuisance that is addressed by the use of the Community Protection Warning and Notice. However, Worthing Homes did request use of the power for 2 cases with the following outcomes:
 - 3.4.1 Case 1: Worthing Homes requested a Community Protection Warning (CPW) for a tenant causing nuisance due to obstructing communal areas and also through erecting an unsafe structure. Following consultation with the Early Help and Wellbeing Lead and Legal Services, we agreed the wording and the CPW was issued to the tenant. This has somewhat improved the situation without prompting enforcement action.
 - 3.4.2 Case 2: Worthing Homes requested a Community Protection Warning for a tenant who caused nuisance for neighbours due to the behaviour of her partner and visitors. The Early Help and Wellbeing Lead highlighted concerns about the approach due to the possibility

of domestic abuse and/or the possibility that the tenant was a victim of cuckoo-ing. Instead, a problem solving meeting was held and it was agreed that agencies should further explore the tenant's support needs before agreeing to a course of action. Due to a rapid escalation in anti social behaviour which threatened the safety and wellbeing of the wider community, Worthing Homes decided to pursue an injunction to prevent visitors to the property. Worthing Homes and partner agencies continue to support the tenant in her property.

- 3.5 In November 2020, The Early Help and Wellbeing Lead held a review of Worthing Homes' use of the power and how the partnership approach to agreeing when and how the power is used. Due to the issues noted above, it has not been possible for Worthing Homes to make full use of the delegated power. However, anti social behaviour has increased across the UK as more people spend time in close proximity to neighbours with fewer distractions and increased pressures. This makes it more important than ever that all agencies have the appropriate tools to effectively tackle anti social behaviour and nuisance through early intervention.

4. Issues for consideration

- 4.1 Due to the demands of the pandemic, the previous pilot for trialling these powers was not representative of how this arrangement might work on a long term basis. Both Worthing Homes and the Early Help and Wellbeing Lead believe that there is scope for this arrangement to prevent and reduce anti-social behaviour. Members are therefore asked to extend the delegation of powers to Worthing Homes for a further 12 months to fully assess it's impact in tackling anti-social behaviour and nuisance.

5. Engagement and Communication

- 5.1 This report follows a review and consultation with Worthing Homes Officers who have either used or would like to use the delegated power to issue Community Protection Notices and Orders.
- 5.2 All partners who attend the multi agency Anti Social Behaviour Risk Assessment Conference have had the opportunity to comment on the use of the powers. These partners include Sussex Police, Sussex Partnership

Foundation Trust Community Mental Health Team and West Sussex Victim Support Hate Crime Service.

6. Financial Implications

- 6.1 There will not be a direct financial cost to the council as any legal enforcement work undertaken will be charged to Worthing Homes.

7. Legal Implications

- 7.1 This complies with the The Anti Social Behaviour, Crime and Policing Act 2014 to prevent and tackle anti-social behaviour.

Background Papers

January 2020 Joint Strategic Committee Report

<https://docs.google.com/document/d/1gl5qrPwWmo3Ulfow6BqobCIIcZ5XZIBrTVMZ2uxFBVc/edit>

The Anti Social Crime and Disorder Act 2014

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Sustainability & Risk Assessment

1. Economic

The use of all ASB tools and powers contributes to the perception of Adur and Worthing as safe and vibrant spaces to invest and spend time in.

2. Social

2.1 Social Value

Communities will benefit from safer spaces, increasing interventions will address behaviour that threatens stability of housing and community cohesion.

2.2 Equality Issues

We have considered and discussed the possible impact this power will have on vulnerable tenants housed by Worthing Homes. The original report details the safeguards that have been developed to mitigate these risks. These safeguards will remain in place for any period that Worthing Homes holds the delegated power.

2.3 Community Safety Issues (Section 17)

Extending the delegation of this power to Worthing Homes will enhance Community Safety by increasing the range of agencies who can tackle antisocial behaviour and nuisance in our communities.

2.4 Human Rights Issues

- The Council must ensure that the powers afforded by the ASB, Crime and Policing Act are used responsibly and proportionately, and only where necessary to protect the public.
- Due regard must be had of the Equalities Act 2010. The powers must not be directly or indirectly discriminatory. Consideration should be given to certain groups of persons who may be disproportionately affected, .e.g. vulnerable persons, persons living in poverty and travellers.
- The powers should not restrict rights protected under the Human Rights Act , in particular Article 8, the right to a private and family life, Article 10, the right to freedom of expression and Article 11, the right to freedom of assembly and association.
- Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements of paragraph 2 in each of the articles

3. Environmental

Extending the powers to Worthing Homes will ensure more community spaces can be protected from the harmful impact of anti social behaviour.

4. Governance

Extending the delegation of powers to Worthing Homes will support the Social Economies commitment to:

'Develop and deliver projects to support and enforce the prevention and reduction in antisocial behaviour' .